

**APPENDIX N: APPLICABLE CLAUSES AND WAGE RATES**

**PERFORMANCE PERIOD.**

The anticipated construction and demolition performance period for this project is no more than 24 months for demolition and construction of new housing units and 96 months for the renovation of 300 housing units. The offeror is encouraged to organize the construction and demolition requirements to provide minimum disruption to housing occupants.

**CONSTRUCTION AND WARRANTY BONDING**

Construction bonding is required. No construction shall begin until the offeror has provided the Government with a performance and payment bond issued by a corporate surety satisfactory to the Government in all respects. The performance and payment bond must run to the Government and the financial institution, which has issued a commitment to the business arrangement for a construction loan to finance the cost of construction of the project. The commitment must require that the performance and payment bond be delivered to the lender before it will make any advances. The loan with the lender must actually close in accordance with its commitment. Such performance and payment bond must be acceptable to the lender, be in the amount of the entire cost of construction of the project as the cost of construction is stipulated in the construction contract between the offeror and its general contractor, and guarantee the performance of the contract for the construction of the project in accordance with the approved final development plans and specifications for the project.

Payment & Performance Bonds. The penal sum of such bonds will be as follows:

- (a) Performance Bonds. The penal amount of performance bonds shall be 100% of the original construction price, unless the Government Representative determines that a lesser amount would be adequate for the protection of the Government.
- (b) Payment Bonds. The penal amount of payment bonds shall equal -
  - (1) Fifty percent (50%) of the contract price if the contract price is not more than \$1 million;
  - (2) Forty percent (40%) of the contract price if the contract price is more than \$1 million but not more than \$5 million; or
  - (3) \$2.5 million if the contract price is more than \$5 million.

Warranty Bond: Warranty bonding is required. Offerors shall be required to warrant that the construction and other work performed under the Business Arrangements conforms to the requirements of the final development plans and specifications for the project and is free of any defect in equipment, material, design or workmanship performed by the offeror or any subcontractor at any tier. The warranty shall continue for a period of two years from the completion of the entire project. Performance of the warranty shall be secured by a corporate surety acceptable to the Government or by insurance in an amount not less than two million dollars (\$2,000,000) and in such form as is acceptable to the Government in all respects. The offeror shall be required to begin work to remedy any defect in equipment, material, design, or workmanship within fifteen (15) days after receiving written notice of

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West Robins Housing Privatization Project, UHHZ 974012

the defect from the Government. If the offeror fails to remedy the defect within a reasonable time after its receipt of notice, the Government will have the right to require the corporate surety or insurer to replace, repair, or otherwise remedy the defect at no expense to the Government. The warranty shall not limit the Government's rights under the Business Arrangements with respect to latent defects, gross mistakes, or fraud.

### ADDITIONAL STATUTORY REQUIREMENTS FOR GOVERNMENT TRANSACTIONS

Government transactions are subject to statutes in addition to those applicable to non-Government ventures. Therefore, offerors are advised that compliance with the following statutes is required:

| STATUTE     | TITLE  |
|-------------|--|
| 41 USC 423  | Procurement Integrity                                |
| 31 USC 1352 | Payments to Influence Certain Transactions           |
| 41 USC 327  | Contract Work Hour and Safety Standards Act          |
| 40 USC 276a | Davis Bacon Act                                      |
| 41 USC 10   | Buy American Act – Construction                      |
| 41 USC 601  | Contract Disputes Act                                |
| 10 USC 2692 | Storage and Disposal of Toxic and Hazardous Material |

### DAVIS BACON WAGE DETERMINATIONS

#### General Decision Number GA980021

Superseded General Decision No. GA970021

State: Georgia

Construction Type: RESIDENTIAL

County(ies):

|          |        |           |
|----------|--------|-----------|
| BALDWIN  | JASPER | PUTNAM    |
| BIBB     | JONES  | TWIGGS    |
| BLECKLEY | LAMAR  | UPSON     |
| BUTTS    | MONROE | WILKINSON |
| CRAWFORD | PEACH  |           |
| HOUSTON  | PIKE   |           |

RESIDENTIAL CONSTRUCTION PROJECTS (consisting of single family homes and apartments up to and including 4 stories)

|                     |                  |
|---------------------|------------------|
| Modification Number | Publication Date |
| 0                   | 02/13/1998       |

COUNTY(ies):

|         |        |        |
|---------|--------|--------|
| BALDWIN | JASPER | PUTNAM |
|---------|--------|--------|

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SUGA4011A 07/01/1983

|                                     | Rates | Fringes |
|-------------------------------------|-------|---------|
| AIR CONDITIONING & HEATING MECHANIC | 6.08  |         |
| BRICKLAYER                          | 7.67  |         |
| CARPENTER                           | 6.07  |         |
| CEMENT MASON                        | 6.69  |         |
| DRYWALL FINISHER                    | 6.26  |         |
| DRYWALL HANGER                      | 6.16  |         |
| ELECTRICIAN                         | 6.89  |         |
| INSULATION INSTALLER                | 5.15  |         |
| LABORERS:                           |       |         |
| Unskilled                           | 5.15  |         |
| Pipelayer                           | 5.15  |         |
| PAINTER                             | 6.08  |         |
| PLUMBER & PIPEFITTER                | 6.57  |         |
| POWER EQUIPMENT OPERATORS:          |       |         |
| Backhoe                             | 5.23  |         |
| Bulldozer                           | 5.38  |         |
| Front end loader                    | 5.15  |         |
| Motor grader                        |       | 5.15    |
| Scraper                             | 5.34  |         |
| ROOFER                              | 5.49  |         |
| SHEET METAL WORKER                  | 7.14  |         |
| SOFT FLOOR LAYER                    | 6.04  |         |
| TILE SETTER                         | 6.00  |         |
| TRUCK DRIVER                        | 5.15  |         |

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WELDERS - Receive rate prescribed for craft performing operation  
to which welding is incidental.  
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Unlisted classifications needed for work not included within  
the scope of the classifications listed may be added after  
award only as provided in the labor standards contract clauses  
(29 CFR 5.5(a)(1)(v)).  
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In the listing above, the "SU" designation means that rates  
listed under that identifier do not reflect collectively  
bargained wage and fringe benefit rates. Other designations

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indicate unions whose rates have been determined to be prevailing.